REMARKS

This application has been reviewed in light of the Office Action dated October 20, 2005. Claims 12-21 are presented for examination, of which Claims 12, 16, 19 and 20 are in independent form. Claims 12, 14-18, 20 and 21 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the Office Action, Claims 12, 13, 16, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,463,474 (Fuh et al.) in view of U. S. Patent 6,029,175 (Chow et al.), and Claims 14, 15 and 17-19, as being obvious from those two patents in view of U.S. Patent 6,353,855 (Hendren, III).

Independent Claim 12 is directed to a network-connectable apparatus that comprises a restricting device adapted to restrict access by another apparatus, and a detecting device adapted to detect whether a request from the other apparatus is a predetermined request. A discrimination device discriminates if information corresponding to information cached by the other apparatus has been updated, in accordance with the detection by the detecting device. A sending device selectively executes one of a first and a second sending process based on whether the restricting device has restricted access in response to the request. The first sending process includes sending first or second information to the other apparatus in accordance with the discrimination by the discrimination device, while in the second sending process, third information is sent to the other apparatus regardless of whether updating has been discriminated by the discrimination device.

Among other notable features of the apparatus of Claim 12 is selectively executing, in accordance with whether sending a reason for access restriction made by the restricting device to the other device, a first sending process of sending a first information to the other apparatus in accordance with the discrimination if information corresponding to information cashed by the other apparatus is updated, or a second sending process of sending a second information to the other apparatus regardless of whether updating has been discriminated.

Fuh relates to a firewall system in which, once a given client has been authenticated, the client can subsequently be authenticated locally at a network device, thus reducing the load on the web server that would otherwise perform such authentication processing. If such local authentication is attempted but fails, then the server is used. The Office Action states, and Applicant agrees, that *Fuh* does not teach or suggest either the recited discriminating device or the recited sending device. Moreover, with the recitation of the sending device amended as shown above, Applicant submits that the sending device still is neither taught or suggested by *Fuh*.

Chow relates to a system in which a network software agent is used for automatic retrieval of changed files. In the *Chow* system, if the user of a client wishes to be provided with any updates that may occur for a web document (termed the "object of interest" in *Chow*) that the user obtains, the user inputs an indication to that effect, and in response to that indication a software agent (the Revision Manager Daemon) automatically monitors the source of the document for updates, and if any occurs, forward the update to the client automatically (col. 5, lines 31-63). For example, based on the user's indication that updates should be provided, the Revision Manager caches the document upon first

retrieving it for the user, and subsequently spontaneously monitors the server from which the document was obtained to see if the document has been modified. This may be done, for example, by a periodic querying of the server. When a modification is noted, the Revision Manager saves the updated document to its cache and informs the user's browser, which then issues a GET command to the Revision Manager (col. 5, line 64, through col. 6, line 15).

As is shown in greater detail in Figs. 20 and 21, the Revision Manager's Polling Daemon operates by sending a GET command with an "If-Modified-Since" header to the server , and saves the response in a temporary file. The response status code is checked; a value of 200 is taken to mean that an updated document is attached, and in such instance, the header of the response includes the time of the last modification. this time is saved in a cache file, and the newly received updated document is saved as a permanent cache file.

If the response from the server has a status code value of 304, on the other hand, the Revision Manager understands that the document in question has not been modified. A status code other than 200 or 304 is taken as indicating an error. (Col. 19, lines 22-51.)

Assuming for argument's sake that one of merely ordinary skill would have been motivated to combine *Fuh* and *Chow*, the result of such combination would not meet the terms of Claim 12.

It is noted that the servers in *Fuh* and *Chow* have unrelated purposes. That in *Fuh* is for authentication, while that in *Chow* is a web server. If one were to attempt to combine the portions of these two patents specifically cited in the Office Action, the result,

as far as Applicant can tell, would merely be a system in which a client's access to a web server inside a firewall would be managed by Revision Manager in such manner as to find updates of a web document already obtained by the client from that server, and to push each such update to the client. The authentication server, in the meantime, would merely authenticate access requests from the client (and other machines outside the firewall) in the same way as in the *Fuh* system. In other words, the two servers would have no relation to each other.

Moreover, it is not seen what motivation a person of merely ordinary skill would have had to modify the *Fuh* system in such a manner as to result in a message being sent giving a reason for denial of access. Nor is it seen how anything in either patent, or in the general knowledge of a person of merely ordinary skill, would have led such person to attempt to modify *Fuh* so as to provide an update of a web document in response to a request for such update. In the *Chow* system, updates are pushed to recipients, without the recipient having to ask whether there is an update. The only inquiry made in the *Chow* system as to the existence of an update, is that made by the Revision Manager Daemon. Accordingly, it is not understood how these two patents, even with the general knowledge of a person of merely ordinary skill, could have sufficient to lead one to the apparatus of Claim 12, and that claim is deemed to be clearly allowable over those two patents, taken separately or in any permissible combination (if there is any).

Independent Claim 16 is directed to a network-connectable apparatus that comprises a restricting device adapted to restrict access by another apparatus in response to a request from the other apparatus, and a detection device adapted to detect time information related to information possessed by the other apparatus. A discrimination

device discriminates whether information corresponding to information cached by the other apparatus has been updated, in accordance with time information detected by the detection device. A sending device, in a case in which access-restriction is not made by the restricting device, sends first information or second information to the other apparatus in accordance with a discrimination made by the discriminating device, and in a case in which access-restriction is made, sends third information to the other apparatus regardless of the result of what if any discrimination is made by the discriminating device.

Among other notable features of an apparatus according to Claim 16, is the sending, in a case in which access-restriction is not made by the restricting device, of first or second information to the other apparatus in accordance with a discrimination made by the discriminating device, and sending, in a case in which access-restriction is made by the restricting device, third information to the other apparatus regardless of discrimination made by the discriminating device.

Claim 16 is believed to be allowable over *Fuh* and *Chow* for substantially the reasons advanced above in regard to Claim 12.

The other independent claims in this application are method claims corresponding to one or the other of independent apparatus Claims 12 and 16, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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